

## CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Cassandra Luxama	Team: Team # 5	CCRB Case #: 201015739	<input checked="" type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input checked="" type="checkbox"/> Injury
Incident Date(s) Thursday, 11/11/2010 7:25 PM	Location of Incident: in front of 349 Linden Street and the 84th Precinct's Stationhouse	Precinct: 83	18 Mo. SOL 5/11/2012	EO SOL 5/11/2012	
Date/Time CV Reported Thu, 11/11/2010 11:14 PM	CV Reported At: IAB	How CV Reported: Phone	Date/Time Received at CCRB Tue, 11/16/2010 1:32 PM		

Complainant/Victim	Type	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. DT3 Jonathan Jordan	02824	935083	NARCBBN
2. DT3 Matthew Zito	04038	937792	NARCBBN
3. LT Raymond Dean		895026	NARCBBN

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. DT3 Edwin Galan	05983	906293	NARCBBN
2. DT3 Herold Alexis	01779	924876	NARCBBN

Officer(s)	Allegation	Investigator Recommendation
A.DT3 Jonathan Jordan	Force: At 349 Linden Street in Brooklyn, Det. Jonathan Jordan used physical force against § 87(2)(b)	
B.DT3 Matthew Zito	Force: At 349 Linden Street in Brooklyn, Det. Matthew Zito used physical force against § 87(2)(b)	
C.DT3 Matthew Zito	Discourtesy: At 349 Linden Street in Brooklyn, Det. Matthew Zito spoke obscenely and/or rudely to § 87(2)(b)	
D.DT3 Jonathan Jordan	Discourtesy: At 349 Linden Street in Brooklyn and inside the 84th Precinct stationhouse, Det. Jonathan Jordan spoke obscenely and/or rudely to § 87(2)(b)	
E.LT Raymond Dean	Abuse: At 349 Linden Street in Brooklyn, Lt. Raymond Dean supervised the stop of § 87(2)(b)	
F.LT Raymond Dean	Abuse: At 349 Linden Street in Brooklyn, Lt. Raymond Dean supervised the search of § 87(2)(b)	
G.LT Raymond Dean	Discourtesy: At 349 Linden Street in Brooklyn, Lt. Raymond Dean spoke obscenely and/or rudely to § 87(2)(b)	

### Case Summary

On November 11, 2010, § 87(2)(b) filed the following complaint over the telephone with the Internal Affairs Bureau on behalf of her brother, § 87(2)(b) did not witness this incident. On November 16, 2010, § 87(2)(b)'s complaint was referred to the Civilian Complaint Review Board. On November 11, 2010, Miguel § 87(2)(b) filed the following complaint with IAB on behalf of his uncle, § 87(2)(b) did not witness this incident. On November 18, 2010, § 87(2)(b)'s complaint was referred to the Civilian Complaint Review Board.

On November 11, 2010, at approximately 7:25 p.m., in front of 349 Linden Street in Brooklyn, § 87(2)(b) was installing an alarm on § 87(2)(b)'s van while § 87(2)(b) was seated inside the vehicle. Det. Matthew Zito, Det. Jonathan Jordan, and Lt. Raymond Dean approached the van and the following allegations resulted.

**Allegation A – Force: At 349 Linden Street in Brooklyn, Det. Jonathan Jordan used physical force against § 87(2)(b)**

**Allegation B – Force: At 349 Linden Street in Brooklyn, Det. Matthew Zito used physical force against § 87(2)(b)**

§ 87(2)(b), § 87(2)(g)

**Allegation C – Discourtesy: At 349 Linden Street in Brooklyn, Det. Matthew Zito spoke obscenely and/or rudely to § 87(2)(b)**

**Allegation D – Discourtesy: At 349 Linden Street in Brooklyn and the 84<sup>th</sup> Precinct stationhouse, Det. Jonathan Jordan spoke obscenely and/or rudely to § 87(2)(b)**

§ 87(2)(g)

**Allegation E – Abuse of Authority: At 349 Linden Street in Brooklyn, Lt. Raymond Dean supervised the stop of § 87(2)(b)**

**Allegation F – Abuse of Authority: At 349 Linden Street in Brooklyn, Lt. Raymond Dean supervised the search of § 87(2)(b)**

**Allegation G – Discourtesy: At 349 Linden Street in Brooklyn, Lt. Raymond Dean spoke obscenely and/or rudely to § 87(2)(b)**

§ 87(2)(g)

### Results of Investigation

#### Civilian Statement(s)

**Complainant/Victim:** § 87(2)(b)

- § 87(2)(b) § 87(2)(b)

#### Medical Records

On § 87(2)(b), § 87(2)(b) visited § 87(2)(b) alleging pain in his left thigh after an altercation with the police. He alleged that officers either stepped on his thigh or struck his thigh (encl. 9a-b).

### CCRB Statement

On December 8, 2010, § 87(2)(b) was interviewed at the Civilian Complaint Review Board (encl. 11a-1). § 87(2)(b), § 87(2)(g)

On November 11, 2010, at approximately 7:25 p.m., in front of 349 Linden Street in Brooklyn, § 87(2)(b) was installing an alarm on his friend, § 87(2)(b)s, white cargo van. § 87(2)(b) was installing the alarm in front of § 87(2)(b)s apartment building while § 87(2)(b) was seated in the front passenger side of the van. After working on the car for three hours, three police officers dressed in plainclothes, wearing turquoise bandanas on their upper left arms approached the van.

A Hispanic officer (described by § 87(2)(b) as 5'6"-5'8", 250lbs, early thirties, black hair, dressed in a grey sweatshirt and light blue jeans), identified through the investigation as Det. Mathew Zito, asked § 87(2)(b) what he was doing and requested the name of the van owner. Det. Jonathan Jordan (described by § 87(2)(b) as 6', 200-220lbs, in his thirties, had a goatee, dressed in a dark sweatshirt and a camouflage jacket, and called Det. John by officers on the scene), who was identified through the investigation, and an unidentified officer (described by § 87(2)(b) as 5'8", late twenties dressed in plainclothes) stood behind Det. Zito and watched. After determining that § 87(2)(b) was the owner of the van, the officers left the location.

§ 87(2)(b) continued working on the van, but approximately an hour later, three unmarked police cars (silver van, blue truck, and a black car) arrived at the location. The officers arrested two females and a male at the corner of Myrtle Avenue and Linden Street. Meanwhile, an unidentified Hispanic male (5'7", grey hair, approximately forty years old) who § 87(2)(b) recognized from the neighborhood, approached § 87(2)(b) requesting a cigarette. § 87(2)(b) suspected that the Hispanic male was a drug user because of the way he was dressed and his general appearance. § 87(2)(b) gave the Hispanic male the cigarette and then the male left.

Approximately twenty minutes later, Det. Zito, Det. Jordan, and another officer, Lt. Raymond Dean (described by § 87(2)(b) as a white male, 6', 190-220lbs, late twenties, and dressed in a blue sweatshirt ) approached the van. The investigation determined that Lt. Dean was the third officer who approached § 87(2)(b) was standing on the sidewalk while § 87(2)(b) was standing at the rear of the cargo van gathering his tools. Both males were in view of each other. Without speaking to § 87(2)(b) Det. Jordan grabbed § 87(2)(b) by the neck from behind and held him by the neck for five minutes and told him to "shut up." § 87(2)(b)s breathing was not restricted, but the officer held his neck tightly. § 87(2)(b) asked what was going on. § 87(2)(b) told the officers that they knew what he was doing at the location. One of the white male officers pushed § 87(2)(b) against the van and he immediately felt pain above his right eye. § 87(2)(b) sustained bruising around his right eye as a result of this force. In his initial telephone statement, § 87(2)(b) alleged that he was slammed against the van three times. On December 12, 2010, § 87(2)(b) told officers assigned to group 9 that the subject officers punched him in the right eye. § 87(2)(b) tried to turn his head to reduce the pain. § 87(2)(b) did not do anything else with his body. Det. Zito told § 87(2)(b) "Shut the fuck up. Get up against the van! What the fuck are you doing here? You're a piece of shit." § 87(2)(b) was still explaining he had already been stopped. Det. Jordan told § 87(2)(b) "Shut the fuck up. You don't have to say nothing. You're a fucking piece of shit." Det. Jordan placed § 87(2)(b)s hands behind his back while Det. Zito continued holding his neck. One of the officers told § 87(2)(b) that he would be slammed on the ground if he did not allow them to handcuff him. Det.

Zito told § 87(2)(b) to stop resisting. However, § 87(2)(b) was not moving his body and he was not resisting. Det. Zito repeatedly kned § 87(2)(b) in his thigh, ribs, and the left side of his body. This force was applied in an effort to get § 87(2)(b) on the ground. Det. Jordan eventually handcuffed § 87(2)(b) without getting him on the ground. Two of the officers held § 87(2)(b) by the arm and escorted § 87(2)(b) to a light green van with no windows. § 87(2)(b) was unable to walk because of the force that was used against him. § 87(2)(b) testified that § 87(2)(b) had no interactions with the subject officers.

The Hispanic male to whom § 87(2)(b) gave the cigarette, the three individuals who were arrested at the corner of Myrtle Avenue, and § 87(2)(b) were already in the van. § 87(2)(b) was released before the van left the location. Det. Jordan drove around for approximately three hours before taking the prisoners to the 83<sup>rd</sup> Precinct stationhouse. At the stationhouse, § 87(2)(b) told a dark skinned Hispanic officer (5'10", 200lbs, 25-27 years old, black hair, and brown sweatshirt) that he could not walk and explained that Det. Jordan used force against him. Det. Jordan saw § 87(2)(b) sitting on the floor, he stated, "Look at this piece of shit. How much dope did you do?" § 87(2)(b) replied, "Because there is a bunch of crack heads on the block, it doesn't mean that everyone is a crack head. Just like one of you is fucked up, it doesn't mean that all of you are fucked up." Det. Jordan replied, "Shut the fuck up. You're a piece of shit. I don't give a fuck. I get paid for this. Whether you go or don't go, I still get paid for this." § 87(2)(b) was transported to § 87(2)(b) Hospital. § 87(2)(b) received pain reliever, but the doctors at the hospital did not examine his injuries because the officers who accompanied him to the hospital stated that he had a minor leg injury. § 87(2)(b) also did not ask the doctors to examine his injuries because he believed that the doctors would have sided with the police. § 87(2)(b) sustained an injury to his right eye, bruises on his left leg, and pain in his shoulder. § 87(2)(b) appeared at his interview with photographs taken at the time of his release of the injury to his left leg, a bruise above his left eye, cut on his wrist and a cut on his ear (encl. 11 e-j)

Arrest Photo: § 87(2)(b)'s arrest photograph shows no injuries to his face (encl. 12).

**Victim:** § 87(2)(b)

§ 87(2)(b)

**CCRB Statement**

On February 1, 2011, § 87(2)(b) was interviewed at the Civilian Complaint Review Board.

§ 87(2)(b), § 87(2)(g)

On November 11, 2010, at approximately 7:25 p.m., in front of 349 Linden Street in Brooklyn, § 87(2)(b) was installing a car alarm in § 87(2)(b)'s white cargo work van (1996, EcoLine) four to five officers, dressed in street clothing, came to the location. § 87(2)(b) could not provide descriptions for each officer, but stated that one officer was a black male while the remaining officers were white. As soon as the officers arrived on the scene, they immediately approached § 87(2)(b) and § 87(2)(b) and escorted them to the rear of the van. Both men were placed side by side two feet apart. Two white male officers approached § 87(2)(b) placed his hands behind his back, placed him against his van, and handcuffed him. These officers did not use force in getting § 87(2)(b) against the van. § 87(2)(b) stated that there was one white male officer holding him by the arm and shoulder while the other white male officer searched his

pockets and removed his identification. § 87(2)(b) could not describe these white male officers, nor would he be able to identify them in photographs. § 87(2)(b) would be able to identify the black male officer in a photograph. The officers arrived suddenly, so § 87(2)(b) did not have an opportunity to speak with the officers, nor did they request permission to search his pockets. § 87(2)(b) observed a white male officer and a black male officer forcefully throw § 87(2)(b) face first against the van. The black male officer, identified through the investigation as Lt. Raymond Dean, turned to § 87(2)(b) and asked, "What are you looking at motherfucker? Don't look at me." § 87(2)(b) did not respond. A white male officer then went to § 87(2)(b) and escorted him away from the van. While they walked towards Miller Avenue, which was a half block away, the officer instructed § 87(2)(b) not to turn around. § 87(2)(b) followed the instruction, but he heard some scuffling happening at the van. There were no sounds from § 87(2)(b) but it sounded like § 87(2)(b) was being thrown against the van again.

As § 87(2)(b) was being taken to Miller Avenue, which was at the corner, he observed a Hispanic male, who had been in front of 349 Linden Street, being arrested and taken out of a store. Upon seeing § 87(2)(b) the Hispanic man stated that § 87(2)(b) was not a drug dealer and that § 87(2)(b) was not involved in this incident; he further stated that § 87(2)(b) had a real job. The Hispanic man and § 87(2)(b) were taken to a blue van that was at the corner. While he was in the blue van, the white male officer returned and gave § 87(2)(b) his wallet and told him to walk to Miller Avenue; he was instructed not to look back. § 87(2)(b) followed this officer's instruction. § 87(2)(b) was not told why he was allowed to leave. § 87(2)(b) stated that when he returned to his van, papers had been thrown all over the interior of the van. In his telephone statement, § 87(2)(b) did not report a vehicle search. The papers that were held in his visor had been thrown in the van. This indicated to § 87(2)(b) that the officers had searched the van. § 87(2)(b) did not witness the search of the van. § 87(2)(b) went to get § 87(2)(b) in court the next day and observed bruising around the right side of § 87(2)(b)'s face. § 87(2)(b) also had bruising on his chest, which § 87(2)(b) attributed to him hitting the van. § 87(2)(b) did not witness how this injury was sustained. There were dents on the right door of his car where § 87(2)(b) had been placed. § 87(2)(b) did not have any photographs of the damages, but he will take photos and send them to the CCRB.

Note: The investigator contacted § 87(2)(b) following his interview for the photographs, but he did not send them to the CCRB.

**Victim:** § 87(2)(b)

**Telephone Statement**

On November 11, 2010, § 87(2)(b) filed the following complaint at the Internal Affairs Bureau on behalf of § 87(2)(b). On April 26, 2011, § 87(2)(b) was contacted and he provided the following account (encl. 8). § 87(2)(b) stated that he was eating food in front of a store at Linden Avenue and Myrtle Avenue in Brooklyn when Police officers suddenly approached him and requested the drugs and marked money. The officers threw his food on the ground, patted him down, and searched his socks, two pockets and crotch area. Nothing was found at the conclusion of the search, but he was arrested for attempted sale. § 87(2)(b) was then transported to the 83rd Precinct stationhouse. § 87(2)(b) scheduled an appointment for April 26, 2011, but he did not appear for this interview or call to reschedule. He did not respond to an additional telephone call and letter that was sent to his home. Four telephone calls were made to § 87(2)(b) from March 17, 2011 through May 18, 2011. Three letters were sent to § 87(2)(b) from

March 17, 2011 through April 27, 2011; none of these letters were returned by the U.S. Postal Service.

**NYPD Statement(s):**

**Subject Officer: DET. JONATHAN JORDAN**

- *Det. Jonathan Jordan is a § 87(2)(b).*
- *On November 11, 2010, Det. Jordan worked a tour of 2:47 p.m. to 11:00 p.m. as the arresting officer on a narcotics enforcement assignment in vehicle 3223 with Lt. Raymond Dean and Det. Mathew Zito. He was dressed in plainclothes.*

**Memo Book**

At 7:45 p.m., one individual was arrested in front of 347 Linden Place (encl. 19a-b).

**CCRB Statement**

On April 21, 2011, Det. Jonathan Jordan was interviewed at the Civilian Complaint Review Board (encl. 20a-b). He did not have an independent recollection of the officers who were assigned to his team and had to refer to the tactical plan. They were all split up and responded to a radio transmission. Det. Jordan was conducting a buy and bust operation with his field team at the location in question. § 87(2)(e), § 87(2)(f)

§ 87(2)(b). The suspects had been in different locations; two had gone around the corner, one walked down the street, and § 87(2)(b) was in front of a van.

Det. Jordan went to arrest § 87(2)(b) who was standing near a van at 347 Linden Place. He did not recall who had accompanied him. He knows that two other officers accompanied him when he stopped § 87(2)(b). The tactical plan did not assist his recollection. He had no interaction with § 87(2)(b) prior to the buy and bust sale. § 87(2)(e), § 87(2)(f)

§ 87(2)(b). Det. Jordan asked § 87(2)(b) to accompany him to the rear of the van. There was no other person standing near § 87(2)(b). § 87(2)(b) was visibly agitated and upset. He did not recall § 87(2)(b)'s remarks. Det. Jordan asked § 87(2)(b) several times to go to the rear of the van. § 87(2)(b) eventually walked to the rear of the van on his own. He instructed § 87(2)(b) to turn around and place his hands behind his back and § 87(2)(b) refused. § 87(2)(b) resisted his arrest by placing his hands in front of him and bending over. Det. Jordan tried to get him against the van for the purpose of placing his hands behind his back because he was a very large person. § 87(2)(b) repeatedly bent forward to prevent the officer from handcuffing him. It took at least three or four officers to get § 87(2)(b) to stand up straight to get his hands behind his back. He did not recall the other officers' interaction with § 87(2)(b) and was able to identify them. Det. Jordan stated that he was the one who eventually grabbed § 87(2)(b)'s arms and placed them behind his back. He then turned § 87(2)(b) around. Det. Jordan did not remember which arm he grabbed. Det. Jordan believed that someone from his field team grabbed the other arm, but § 87(2)(b) continued to bend forward. The officers were taking § 87(2)(b)'s hands while Det. Jordan tried to place them behind his back. It was then that Det. Jordan tried to get § 87(2)(b) up against the van to get him straight. Det. Jordan stated that everything happened quickly. He did not remember what part of § 87(2)(b)'s body hit the van or if he hit his face. § 87(2)(b) was placed against the van once. He did not use additional force against him. He did not grab § 87(2)(b) by the neck or immediately push him against a van. He did not knee or kick § 87(2)(b)'s leg or the general left

side of his body. Det. Jordan stated that Lt. Dean is a black male officer. He stated that there were two officers at the corner completing arrests, but he did not know if they interacted with § 87(2)(b). Det. Jordan did not observe injuries on § 87(2)(b) either before or after their interaction. Det. Jordan did not recall § 87(2)(b) speaking to him or any of the officers who accompanied him speaking to § 87(2)(b). Neither he nor any other officers assigned to his field team told § 87(2)(b) to shut the “fuck up” or called him a piece of shit. Lt. Dean did not curse at any of the civilians. Det. Jordan did not at any point turn to someone who was near § 87(2)(b) and ask him what the “fuck” he was looking at. There were no civilians near him at any point. No other civilians were taken from the van to the prisoner van and then subsequently allowed to leave. All persons stopped at the location were arrested. He did not recall searching the van nor any other officers doing so. He had no reason why an officer would be interested in searching the van. He did remember entering the van or witnessing other officers entering the van. He did not observe any damages on it. Det. Jordan was shown a photograph of § 87(2)(b)'s injuries and stated that he did not see those injuries at any point during this incident. He did not search or witness the search of anyone else. Det. Jordan stated that he had no interactions with § 87(2)(b) at the stationhouse. He was not involved in accusing § 87(2)(b) of being a drug user. He did not hear any officers speak discourteously towards § 87(2)(b) or any other individuals.

Det. Jordan was shown a photograph of § 87(2)(b) but he did not recognize him. He was not involved in searching him. Det. Jordan stated that § 87(2)(b) was arrested at the corner and he did not have any direct contact with him or know which officer did. Det. Jordan stated that he once wore a goatee as facial hair, but no longer does. He did not recall whether at the time of this incident he had a goatee. He did not recall any other officers on his team who had a goatee.

**Subject Officer: DET. MATTHEW ZITO**

- *Det. Matthew Zito is a § 87(2)(b).*
- *On November 11, 2010, Det. Zito worked a tour of 3:00 p.m. to 11:33 p.m. on a narcotics enforcement assignment in vehicle 3223 with Lt. Raymond Dean and Det. Jonathan Jordan. He was dressed in plainclothes.*

**Memo Book**

At 7:25, one person was arrested in front of 345 Linden Street (encl. 21a-b).

**Arrest Report/Criminal Court Complaint Report**

On November 11, 2011, in front of 347 Linden Boulevard in Brooklyn, § 87(2)(b) was arrested for resisting arrest, criminal sale of a controlled substance and criminal possession of a controlled substance. Lt. Raymond Dean authorized that § 87(2)(b) be strip searched (encl. 15 a-b; 17a-b).

On November 11, 2010, inside of 1543 Myrtle Avenue in Brooklyn, § 87(2)(b) was arrested for criminal sale of a controlled substance and criminal possession of a controlled substance (encl. 16a-b; 18a-b).

**CCRB Statement**

On May 3, 2011, Det. Matthew Zito was interviewed at the Civilian Complaint Review Board (encl. 22a-c). On November 11, 2010, Det. Matthew Zito worked a tour of 3:00 p.m. to 11:33 p.m., he was assigned to the arresting officer car with Lt. Raymond Dean and Det. Jonathan

Jordan. He worked in a rental blue Toyota with the vehicle number 2338, § 87(2)(e), § 87(2)(f) [REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED] Det. Zito was shown a photograph of § 87(2)(b) [REDACTED] § 87(2)(b) [REDACTED] and § 87(2)(b) [REDACTED] but he did not recognize them. Det. Zito and Det. Jordan went to the location to identify the perpetrator. Det. Jordan was the arresting officer that day. Lt. Dean remained in the car for reasons Det. Zito did not know, but later joined them in front of the building. Both officers identified themselves as police officers and instructed § 87(2)(b) [REDACTED] to place his hands behind his back. § 87(2)(b) [REDACTED] was standing at the rear of a grey or dark colored van. § 87(2)(b) [REDACTED] did not appear to be fixing a car alarm because he did not have any tools in his hands. Det. Jordan was issuing instructions to § 87(2)(b) [REDACTED] which Det. Zito did not recall. Det. Zito recalled asking § 87(2)(b) [REDACTED] to “please come over here.” However, § 87(2)(b) [REDACTED] did not follow their directions, but instead started to walk away. § 87(2)(b) [REDACTED] was able to get a couple of feet away before both officers grabbed him by each of his arms. Neither of the officers grabbed him by the neck. § 87(2)(b) [REDACTED] did not complain about officers placing him in a chokehold. Both officers grabbed him, but he continued to try to run away or move around. Det. Zito had to slam him against the nearby van causing § 87(2)(b) [REDACTED] to hit his chest against the van. § 87(2)(b) [REDACTED] continued to resist by flailing his arms preventing the officers from handcuffing him. He recalled that Det. Jordan was also trying to grab § 87(2)(b) [REDACTED]’s hands. Both officers told § 87(2)(b) [REDACTED] to “stop resisting arrest.” It took a minute to place his hands behind his back. Det. Zito did not recall § 87(2)(b) [REDACTED] being slammed multiple times against the van. He was not placed against any other surfaces. He was not kicked or kneed. § 87(2)(e), § 87(2)(f) [REDACTED]  
[REDACTED]t. Eventually, Lt Dean was nearby, but he did not recall any officers assisting him and Det. Jordan. § 87(2)(b) [REDACTED] was standing at the rear of a grey or dark colored van. Det. Zito did not recall observing damages to the van when he first approached the van or at the conclusion of the incident. No other person was near § 87(2)(b) [REDACTED] when they approached them. None of the officers interacted with another person who was near § 87(2)(b) [REDACTED]. Det. Zito did not at any point turn to someone else while interacting with § 87(2)(b) [REDACTED] and say, “What the fuck are you looking at?” He did not hear any officers make that comment. He did not account for searching anyone else. There were other people arrested in the area, but not in the immediate area of § 87(2)(b) [REDACTED]. Det. Zito was not involved with those arrests, nor was he a witness to the other arrests. Det. Zito did not recall Lt. Dean’s interactions with § 87(2)(b) [REDACTED] when he arrived at the location. Det. Zito did not recall Lt. Dean speaking discourteously to any civilian on the scene. Neither Det. Zito, nor Det. Jordan cursed at § 87(2)(b) [REDACTED]. He was not kicked or kneed in the leg. § 87(2)(b) [REDACTED] did not have any injury around his eye. As soon as § 87(2)(b) [REDACTED] was handcuffed, Det. Zito turned to onlookers, but he did not recall how many onlookers were at the location. He did not want people to crowd around at the location. He did not witness when § 87(2)(b) [REDACTED] was transported to the prisoner van. Det. Zito reviewed the photographs of § 87(2)(b) [REDACTED]’s injuries, but he did not witness those injuries nor did § 87(2)(b) [REDACTED] complain about being injured. At the stationhouse, Det. Zito did not observe Det. Jordan cursing at § 87(2)(b) [REDACTED]. Det. Zito did not search the van. He did not recall Det. Jordan or any other officers searching the van. Det. Zito did not have any interactions with § 87(2)(b) [REDACTED] at the stationhouse. He was not involved with fingerprinting § 87(2)(b) [REDACTED] nor did he see any of the arrested individuals at the stationhouse. Det. Zito does not have, nor had, a goatee at the time of this incident. He did not remember any of his partners having a goatee.

§ 87(2)(f), § 87(2)(e) [REDACTED]



**Witness Officer: DET. ALEXIS HEROLD**

- *Det. Alexis Herold is a § 87(2)(b)*
- *On November 11, 2010, Det. Herold worked a tour of 10:27 a.m. to 7:00 p.m. as Sgt. George Hellmen's operator. He was dressed uniform.*

**Memo Book**

There were no entries regarding this incident. At 4:00 p.m., at 94<sup>th</sup> Precinct for a field meeting. At 5:30 p.m., Det. Alexis went to narcotics building within the confines of the 75<sup>th</sup> Precinct.

**CCRB Statement**

On May 3, 2011, Det. Herold Alexis was interviewed at the Civilian Complaint Review Board. Det. Alexis was not on duty at the time of this incident (encl. 24a-b).

**Witness Officer: DET. EDWARD GALAN**

- *Det. Edward Galan is a § 87(2)(b)*
- *On November 11, 2010, Det. Galan worked a tour of 2:47 p.m. to 11:43 p.m. in a chase car for a narcotics enforcement assignment in vehicle 2188 with Det. Michael Gonzalez. He was dressed in plainclothes.*

**Memo Book**

At 7:25 p.m., two individuals were arrested at 345 Linden Avenue (encl. 25a-b).

**CCRB Statement**

On May 3, 2011, Det. Edward Galan was interviewed at the Civilian Complaint Review Board (encl. 26a-b). Det. Galan had no independent recollection of this incident and did not know how he came to be at the arrest which was conducted at 345 Linden Avenue. He reviewed the arrest reports for § 87(2)(b) and § 87(2)(b) but the reports did not assist his recollection. He was given a brief account of this incident and shown a photograph of § 87(2)(b) but that did not assist his recollection. He had no recollection of any of the allegations made in this case.

**Officers Not Interviewed**

Lt. Raymond Dean's statement was not obtained because on January 31, 2011, he resigned from the NYPD (36e).

**Medical Records**

On § 87(2)(b), § 87(2)(b) was prescribed pain reliever and released from § 87(2)(b) (encl. 27a-b).

**NYPD Document(s)**

**Tactical Plan/Roll Call**

On November 11, 2010, Lt. Raymond Dean was noted as the supervising officer for Narcotics Borough Brooklyn North (encl. 32).

### **Property Voucher**

On November 11, 2010, § 87(2)(b)'s voucher noted that he had forty-eight dollars of marked money in his possession and one bag of cocaine (encl. 27a-b).

### **Command Log**

On November 11, 2010, § 87(2)(b)'s physical condition was noted as normal (encl. 29).

§ 87(2)(b)

■

### **Status of Civil Proceedings**

- § 87(2)(b) has not filed a Notice of Claim with the City of New York as of August 17, 2010, with regard to the incident (encl. 35a).

§ 87(2)(b), § 87(2)(a) 160.50

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### **Civilian(s) CCRB History**

- This is the first CCRB complaint filed by § 87(2)(b) (encl. 3).
- This is the first CCRB complaint involving § 87(2)(b) (encl. 4).

### **Subject Officer(s) CCRB History**

- Det. Jonathan Jordan has been a member of the service for seven years and there are no substantiated CCRB allegations against him (encl. 1j).
- Det. Matthew has been a member of the service for six years and there are three substantiated CCRB allegations against him/. (encl. 2a-b).
  - On November 10, 2010, the CCRB Board recommended charges against Det. Zito for a vehicle stop, frisk of a person, and vehicle search allegations. The NYPD has made reached a determination regarding these allegations.

### **Conclusion**

### **Identification of Subject Officer(s)**

Det. Matthew Zito testified that he and Det. Jonathan Jordan approached § 87(2)(b) and they were responsible for handcuffing § 87(2)(b). Det. Zito also confirmed that he pushed § 87(2)(b) against the van. Det. Zito matched the physical descriptions provided by § 87(2)(b). Therefore, allegations B, and C were pleaded against Det. Zito.

Det. Jordan was § 87(2)(b)'s arresting officer and at the time of his interview he confirmed his involvement in this incident. § 87(2)(b) testified that one of the subject officers had a goatee and this officer placed his arm around his neck. Det. Jordan confirmed that he had previously worn a goatee and could not account for any other officers on his team with a goatee at the time of this incident. Det. Jordan also testified that he was responsible for pushing § 87(2)(b).

Allegations A, and D, were pleaded against Det. Jordan.

The tactical plan and the roll call noted Lt. Raymond Dean as the supervising officer during the narcotics enforcement alleged in this case. Det. Zito testified that Lt. Dean was present during the arrest of § 87(2)(b) and Lt. Dean is a black male. Det. Zito testified that Lt. Dean and Det. Jordan were the only two officers in the immediate area of § 87(2)(b)'s arrest. The stop and search of § 87(2)(b) were pleaded against Lt. Dean because he was the supervising officer on the scene; the actions taken by the officers would not have occurred without his consent. The discourtesy allegation was pleaded against Lt. Dean because he matched the race and gender descriptions provided by § 87(2)(b). Allegations E, F, and G were pleaded against Lt. Dean.

### **Allegations Not Pleased**

§ 87(2)(b)'s arrest report noted that Lt. Dean authorized a strip search, but § 87(2)(b) made no claim of being strip searched; therefore this allegation was not pleaded.

Although § 87(2)(b) did not provide a formal testimony, his claim that he was frisked and searched was not pleaded because it was incident to a lawful arrest. § 87(2)(b) confirmed that he was arrested for attempted sale.

§ 87(2)(b) alleged that an officer told him that he would be “slammed” on the ground if he did not allow them to handcuff him. This allegation was not pleaded because the officer was arresting § 87(2)(b) for a narcotics sale and was merely informing him of what would happen if he resisted his arrest.

§ 87(2)(b) alleged that his van was searched because documents on the floor that had been concealed in his visor. This allegation could not be evaluated because there were no witnesses to this claim. Neither the civilians nor the officers attested to any police officers searching the van.

### **Investigative Findings and Recommendations**

**Allegation A – Force: At 349 Linden Street in Brooklyn, Det. Jonathan Jordan used physical force against § 87(2)(b)**

**Allegation B – Force: At 349 Linden Street in Brooklyn, Det. Matthew Zito used physical force against § 87(2)(b)**

§ 87(2)(b) alleged that Det. Jordan grabbed him by the neck and pushed him against a car. § 87(2)(b) sustained a bruise around his right eye, swelling on his knee, and a cut on his ear as a result of this force.

Both Det. Zito and Det. Jordan testified that § 87(2)(b) resisted his arrest by refusing to follow their instructions to place his hands behind his back. Det. Zito testified that § 87(2)(b) also attempted to run when they issued him instructions to stop. Both officers accounted for placing § 87(2)(b) against the van once for the purpose of applying his handcuffs. The only additional force they used consisted of grabbing § 87(2)(b)'s arms and placing them behind his back. § 87(2)(b) testified that while the officers attempted to handcuff him, they repeatedly told him to stop resisting. § 87(2)(b), § 87(2)(g)

§ 87(2)(b)

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§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b), § 87(2)(g)

**Allegation C – Discourtesy: At 349 Linden Street in Brooklyn, Det. Matthew Zito spoke obscenely and/or rudely to § 87(2)(b)**

**Allegation D – Discourtesy: At 349 Linden Street in Brooklyn and the 84th Precinct stationhouse, Det. Jonathan Jordan spoke obscenely and/or rudely to § 87(2)(b)**

§ 87(2)(b) alleged that Det. Jonathan Jordan repeatedly told him to “shut the fuck up” and called him a “piece of shit.” § 87(2)(b) also reported that Det. Zito told him to “shut the fuck up.” Det. Zito and Det. Jordan denied these allegations. § 87(2)(b) did not witness § 87(2)(b)'s complete interaction with the officers, therefore his testimony did not assist in resolving these allegations. § 87(2)(g)

**Allegation E – Abuse of Authority: At 349 Linden Street in Brooklyn, Lt. Raymond Dean supervised the stop of § 87(2)(b)**

**Allegation F – Abuse of Authority: At 349 Linden Street in Brooklyn, Lt. Raymond Dean supervised the search of § 87(2)(b)**

On November 11, 2010, Lt. Raymond Dean supervised the stop and search of § 87(2)(b). Det. Zito and Det. Jordan confirmed that Lt. Raymond Dean was at the incident location. The tactical plan also confirmed that he was the supervising officer on the scene. Lt. Dean has retired (encl. 36e) from the NYC Police Department and his statement could not be obtained. It is

§ 87(2)(g)

**Allegation G – Discourtesy: At 349 Linden Street in Brooklyn, Lt. Raymond Dean spoke obscenely and/or rudely to § 87(2)(b)**

§ 87(2)(b) alleged that Lt. Raymond Dean stated, “What are you looking at motherfucker? Don’t look at me.” Lt. Dean retired from the NYC Police Department and his testimony could not be obtained. § 87(2)(g)

Team: \_\_\_\_\_

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Investigator: \_\_\_\_\_  
Signature Print Date

Supervisor: \_\_\_\_\_  
Title/Signature Print Date

Reviewer: \_\_\_\_\_  
Title/Signature                      Print                      Date

Reviewer: \_\_\_\_\_  
Title/Signature                      Print                      Date